

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-47475-2021 (O&M).  
Decided on: November 15, 2021.**

Amandeep Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

**PRESENT: Mrs.Sarika Gupta, Advocate,  
for the petitioner.**

**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Section 482 of the Code of Criminal Procedure, for issuance of a direction to the police to take legal action against the culprits for commission of cognizable offence on the basis of complaints dated 3.11.2019, 25.11.2019 and 18.12.2019 (Annexures P-1 to P-3) respectively.

Learned counsel for the petitioner has submitted that petitioner is working in Doha Qatar and the present petition has been filed through his power of attorney who is the wife of the petitioner. She submitted that when the house of the petitioner was being reconstructed

then due to lack of space petitioner had parked his Alto car in his maternal uncle's house. The petitioner had parked his car with the consent taken on phone from his maternal uncle residing in America. Thereafter one Lal Singh who is residing in the neighbourhood asked the petitioner to send the documents of the car because he has purchased the car. The wife of the petitioner visited the house of Lal Singh to get back the car because according to the learned counsel for the petitioner, said Lal Singh and his wife had committed theft of car from the house of maternal uncle of the petitioner and is also using the same. He submitted that on the complaint made by the petitioner to the police, a biased inquiry was conducted in which respondent Nos.6 and 7 were exonerated and the aforesaid Lal Singh had thereafter, parked the car at the residence of Mohinder Singh, Prem Singh and Ranjit Singh. She has submitted that since theft of car has taken place, the police has failed to take any action and therefore, learned counsel for the petitioner has prayed that legal action be taken for registration of the FIR and police protection be also provided to the petitioner and his wife.

I have heard the learned counsel for the petitioner.

The petitioner had filed a complaint with the police by alleging that car of the petitioner was parked in the house of his maternal uncle namely Baga Singh son of Bhajan Singh but respondent No.6 Lal Singh had taken benefit of the same and committed theft of the car and started using it. Thereafter, another complaint was sent vide Annexure P-2 to the Senior Superintendent of Police, Shaheed Bhagat Singh Nagar, and a

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perusal of Annexure P-2 shows that the SSP had directed the SHO Ballachaur, that the complaint may be enquired into and report back. Thereafter, another representation was sent to the the Senior Superintendent of Police, Shaheed Bhagat Singh Nagar, vide Annexur P-3 which shows that it was directed by the SSP on 19.12.2019 that SHO Balachaur, to enquire the matter and to report within 7 days and to ensure that directions regarding multiple inquiries be strictly complied with. Thereafter, vide Annexure P-4 the Deputy Superintendent of Police, Sub Division, Balachaur, came to the conclusion that Mohinder Singh, Prem Singh and Ranjit Singh are residents of Mehtapur and are living in USA and the car is in their possession and this car was parked by petitioner Amandeep Singh in their house of his own will and now they are not returning it. The application of the petitioner was also sent to the DA (legal) for opinion. Thereafter, vide Annexure P-5, The Deputy District Attorney (Legal), SBS Nagar, opined that investigation report of the investigating officer clearly suggests that theft of vehicle by Lal Singh and his wife do not come to light and the complainant – petitioner had voluntarily parked his car at the house of maternal uncle of Amandeep Singh and the same is still present there. His maternal uncles are living abroad and no case of breach of trust was made out and it has also been reported that the car was not found to be stolen by the respondents and therefore, the Deputy District Attorney (Legal), SBS Nagar, had opined that based upon aforesaid report of the investigating officer, no case was made out.

On the complaint made by the complainant to the police, the matter got being enquired into and opinion of DA (legal) was also obtained and it was found that no theft has taken place and the car is still lying at the house of maternal uncle of Amandeep Singh. The petitioner has sought to invoke the extra ordinary jurisdiction under Section 482 Cr.P.C., by disputing the inquiry conducted by the police and the opinion of the DA (Legal) and therefore, disputed questions of fact are involved in the present case. The petitioner has a remedy to file a criminal complaint before the concerned Illaqua Magistrate if so desired and advised. In the presence of alternative remedy, the present petition is not maintainable especially in view of the law laid down by the Hon'ble Supreme Court in **Sakiri Vasu Vs. State of U.P. 2008 (1) RCR (Criminal) 392**, the relevant extract of which reads as under:-

*“If a person has a grievance that his FIR has not been registered by the police station, his first remedy is to approach the Superintendent of Police under Section 154(3) Criminal Procedure Code or other police officer referred to in Section 36 Criminal Procedure Code. If despite approaching the Superintendent of Police or the officer referred to in Section 36, his grievance still persists, then he can approach a Magistrate under Section 156(3) Criminal Procedure Code instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Criminal Procedure Code. Moreover, he has a further remedy of filing a criminal complaint under Section 200 Criminal Procedure Code Why then should writ petitions or Section 482 petitions*

*be entertained when there are so many alternative remedies?*

*As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Criminal Procedure Code, simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Criminal Procedure Code before the Magistrate or by filing a criminal complaint under Section 200 Criminal Procedure Code and not by filing a writ petition or a petition under Section 482 Criminal Procedure Code.”*

In view of above, finding no merit in the present petition,  
the same is, hereby, dismissed.

November 15, 2021  
raj arora

(JASGURPREET SINGH PURI)  
JUDGE

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|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |